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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,351	03/16/2004	Stephen R. Payne	TRA-128	3625
20/028 7590 04/10/2008 Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468				
EXAMINER				
MCLEAN, NEIL R				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
04/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/802,351

**Applicant(s)**

PAYNE, STEPHEN R.

**Examiner**

Neil R. McLean

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.  
4a) Of the above claim(s) 3-5 and 22-24 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-2, 6-21 and 25-38 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/13/2005/8/16/2007  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 3-5, and 22-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/11/2008.

Currently, Claims 1-38 are pending.

### *Examiner Notes*

2. The Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6-7, 10-15, 18-20, 25, 29-34, and 37-38 are rejected under 35 U.S.C. 102(b) as being unpatentable over Gauthier (US 2002/0122205).

Regarding Claim 1:

Gauthier discloses a method for configuring a template (e.g., Processing variable data wherein once defined, the template and graphics states for a page can be stored and reused for printing subsequent pages as described in [0008], lines 4-7) for a printer, comprising:

providing template attributes to memory of the printer (e.g., Utilizing variable data with a page description language, which enables the template and graphics states for a page of variable data to be defined and stored and which enables the stored graphics states to be associated with multiple items of variable data from a database or merge file as described in [0009], lines 1-6);

creating (e.g., As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10, using a graphics application program such as Adobe Illustrator.RTM) a template from the template attributes (e.g., As the PostScript interpreter 14 executes, it defines the PostScript graphics state attributes for the page. These attributes can include the size, font, position, orientation, and location in which the graphic or text data is to appear on the page as described in [0025], lines 1-5);

providing print data to the printer memory (e.g., After the PostScript file 11 is generated, it is transferred from the workstation 10 to printer 12 in Figure 1);

merging (e.g., A control task operates in the printer 12 to initiate the PostScript interpreter program 14 and a merge task 16 as described in [0024], lines 4-7) the print data into the template to create a composite image (In the printer 12, a PostScript interpreter 14 is executed to generate a pagemap of the image as described in [0024], lines 3-4); and

printing the composite image on a substrate (e.g., When a bit map has been generated for each variable data area, and merged with the template 28, the pagemap is output for printing as shown at 29 of Figure 1 and described in [0043], lines 4-6).

Regarding Claims 3-5: (Withdrawn)

Regarding Claim 6:

A method in accordance with claim 1, wherein:

the template attributes are provided by a host system associated with the printer  
(As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10).

Regarding Claim 7:

A method in accordance with claim 6, wherein:

the template attributes are input via a user interface associated with the host system (e.g., As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10, using a graphics application program such as Adobe Illustrator.RTM.. As the image is created, the application program displays the image on the workstation screen. When the image is complete and ready to be printed as a page, the application program generates a specification of the image in PostScript in a conventional manner as described in [0023]).

Regarding Claim 10:

A method in accordance with claim 1, wherein:

the template attributes comprise at least one of number of print fields, print field position, print field area, print position, font style, bold font, italic font, underline text, font

size, characters per inch, text orientation, image position, image size, print resolution, barcode type, and color (These attributes can include the size, font, position, orientation, and location in which the graphic or text data is to appear on the page as described in [0025], lines 1-5).

Regarding Claim 11:

A method in accordance with claim 1, wherein:

said template contains a number of print fields (The merge task 16 retrieves the names of the data fields which are associated with the selected template as described in [0038]; e.g., in the representative merge file 20 shown in FIG. 1, the field names are NAME and NUMBER).

Regarding Claim 12:

A method in accordance with claim 11, wherein:

the number of print fields is configurable (e.g., As the PostScript attributes are defined, they are placed in a stack. When a new attribute is defined, it is added to the top of the stack. When an attribute is deleted, it is removed from the stack. The combination of all of the attributes located in the stack at any point during the execution of the PostScript interpreter 14 constitutes the "current" graphics state for the page as described in [0028]).

Regarding Claim 13:

A method in accordance with claim 11, further comprising:

providing template attributes for each print field (e.g., As the PostScript attributes are defined, they are placed in a stack. When a new attribute is defined, it is added to the top of the stack. When an attribute is deleted, it is removed from the stack. The combination of all of the attributes located in the stack at any point during the execution of the PostScript interpreter 14 constitutes the "current" graphics state for the page as described in [0028]).

Regarding Claim 14:

A method in accordance with claim 1, wherein:  
the print data comprises at least one of text and graphics (As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10).

Regarding Claim 15:

A method in accordance with claim 1, wherein:  
the print data is forwarded from a host system associated with the printer (e.g., After the PostScript file 11 is generated, it is transferred from the workstation 10 to a printer generally designated as 12).

Regarding Claim 18:

A method in accordance with claim 1, wherein:  
said template attributes include delimiting characters for separating print field data (e.g., the name is enclosed within brackets in the file, such as "<<>>", to enable the control task to identify the data as defining a graphics state rather than being an ordinary data string. Thus, to define the graphics state "ADDRESS" within the PostScript file 11, the following would appear before a show command in the code: "<<ADDRESS>>" as described in [0031]).

Regarding Claim 19:

A method in accordance with claim 18, wherein: said delimiting characters are configurable (e.g., the name is enclosed within brackets in the file, such as "<<>>", to enable the control task to identify the data as defining a graphics state rather than being an ordinary data string. Thus, to define

the graphics state "ADDRESS" within the PostScript file 11, the following would appear before a show command in the code: "<<ADDRESS>>)" as described in [0031]).

Regarding Claim 20:

A printer having a configurable template (e.g., Processing variable data wherein once defined, the template and graphics states for a page can be stored and reused for printing subsequent pages as described in [0008], lines 4-7), comprising:

memory (e.g., After the PostScript file 11 is generated, it is transferred from the workstation 10 to printer 12 in Figure 1) for storing received template attributes (e.g., Utilizing variable data with a page description language, which enables the template and graphics states for a page of variable data to be defined and stored and which enables the stored graphics states to be associated with multiple items of variable data from a database or merge file as described in [0009], lines 1-6) and received print data;

a processor for creating a template from the template attributes and merging the print data into the template to create a composite image (e.g., The method of the present invention is implemented by means of a control task which executes in conjunction with a page description code interpretive program, such as a PostScript program, to identify variable data areas in the page description code specification, and reserve the graphics states for the variable data areas as they are defined by the specification. After the interpreter program has executed, a merge task is initiated. The merge task associates items of variable data from a data file with the reserved graphics states, generates a bit map for each variable data area, merges the bit maps with the page template, and outputs a complete bit map for the page as described in [0010]); and

printing means for printing the composite image on a substrate (e.g., When a bit map has been generated for each variable data area, and merged with the template 28, the pagemap is output for printing as shown at 29 of Figure 1 and described in [0043], lines 4-6).



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Regarding Claims 22-24: (Withdrawn)

Regarding Claim 25:

A printer in accordance with claim 20, wherein:

the template attributes are provided by a host system associated with the printer

(As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10).

Regarding Claim 26:

A printer in accordance with claim 25, wherein:

the template attributes are input via a user interface associated with the host

system (e.g., As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10, using a graphics application program such as Adobe Illustrator.RTM.. As the image is created, the application program displays the image on the workstation screen. When the image is complete and ready to be printed as a page, the application program generates a specification of the image in PostScript in a conventional manner as described in [0023]).

Regarding Claim 29:

A printer in accordance with claim 20, wherein:

the template attributes comprise at least one of number of print fields, print field area, print position, font style, bold font, italic font, underline text, font size, characters per inch, text orientation, image position, image size, print resolution, barcode type, and COLOR (These attributes can include the size, font, position, orientation, and location in which the graphic or text data is to appear on the page as described in [0025], lines 1-5).

Regarding Claim 30:

A printer in accordance with claim 20, wherein:

said template contains a number of print fields (e.g., the merge task 16 retrieves the names of the data fields which are associated with the selected template as described in [0038]; In the representative merge file 20 shown in FIG. 1, the field names are NAME and NUMBER).

Regarding Claim 31:

A printer in accordance with claim 30, wherein:

the number of print fields is configurable (e.g., As the PostScript attributes are defined, they are placed in a stack. When a new attribute is defined, it is added to the top of the stack. When an attribute is deleted, it is removed from the stack. The combination of all of the attributes located in the stack at any point during the execution of the PostScript interpreter 14 constitutes the "current" graphics state for the page as described in [0028]).

Regarding Claim 32:

A printer in accordance with claim 30, wherein:

template attributes are provided for each print field (e.g., As the PostScript attributes are defined, they are placed in a stack. When a new attribute is defined, it is added to the top of the stack. When an attribute is deleted, it is removed from the stack. The combination of all of the attributes located in the stack at any point during the execution of the PostScript interpreter 14 constitutes the "current" graphics state for the page as described in [0028]).

Regarding Claim 33:

A printer in accordance with claim 20, wherein:

the print data comprises at least one of text and graphics (As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10).

Regarding Claim 34:

A printer in accordance with claim 20, wherein:

the print data is forwarded from a host system associated with the printer (e.g., After the PostScript file 11 is generated, it is transferred from the workstation 10 to a printer generally designated as 12).

Regarding Claim 37:

A printer in accordance with claim 20, wherein:

said template attributes include delimiting characters for separating print field data (e.g., the name is enclosed within brackets in the file, such as "<<>>", to enable the control task to identify the data as defining a graphics state rather than being an ordinary data string. Thus, to define the graphics state "ADDRESS" within the PostScript file 11, the following would appear before a show command in the code: "{<<ADDRESS>>}" as described in [0031]).

Regarding Claim 38:

A printer in accordance with claim 37, wherein:

said delimiting characters are configurable (e.g., the name is enclosed within brackets in the file, such as "<<>>", to enable the control task to identify the data as defining a graphics state rather than being an ordinary data string. Thus, to define the graphics state "ADDRESS" within the PostScript file 11, the following would appear before a show command in the code: "{<<ADDRESS>>}" as described in [0031]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 16-17, 21 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier as applied to claims 1 and 20 above, and further in view of Sansone (US 6,373,587).

Regarding method Claim 2 and similar printer Claim 21:

Gauthier discloses the method and apparatus in accordance with claims 1 and 20.

Gauthier does not disclose expressly wherein said printer comprises a ticket printer; and said substrate comprises a ticket.

Sansone discloses wherein said printer comprises a ticket printer; and said substrate comprises a ticket (FIG. 1, the reference character 11 represents an electronic ticket that may be used for admission to any place, service, or event that current tickets allow admission. Electronic ticket 11 may have been produced by a printer coupled to a computer or by a printer of an electronic postage meter or automatic teller machine (ATM) printer as disclosed in Column 2, line 66 – Column 3, line 4).

Sansone & Gauthier are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of printing to static and variable text/graphic fields.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a printer which comprises a ticket printer and to print to a ticket.

The suggestion/motivation for doing so would be because tickets have variable text and data fields for the e.g., event and seat numbers, and it would be advantageous for the user to print a ticket on a printer. The user can obtain a ticket without having to go to a different location such as an airport or a concert venue or wait for the ticket to be delivered.

Therefore, it would have been obvious to combine Sansone's method for printing electronic tickets with Gauthier's method of merging static and variable data to obtain the invention as specified in Claim 2 and Claim 21.

Regarding method Claims 16 and 17, and similar printer Claims 35-36:

Gauthier discloses the method and apparatus in accordance with claims 1 and 20.

Gauthier does not disclose expressly wherein the host system comprises one of a cash register, a point of sale terminal, a slot machine, a gaming terminal, a lottery ticket machine, a transportation ticket vending machine, or an entertainment ticket vending machine; and

wherein the substrate comprises one of a receipt, a lottery ticket, a coupon, a bus ticket, an airplane ticket, a train ticket, a gaming voucher, or a slot machine voucher.

Sansone discloses wherein the host system comprises one of a cash register, a point of sale terminal, a slot machine, a gaming terminal, a lottery ticket machine, a

transportation ticket vending machine, or an entertainment ticket vending machine (e.g., Electronic ticket 11 may have been produced by a printer coupled to a computer or by a printer of an electronic postage meter or automatic teller machine (ATM) printer as described in Column 3, lines 1-4); and

wherein the substrate comprises one of a receipt, a lottery ticket, a coupon, a bus ticket, an airplane ticket, a train ticket, a gaming voucher, or a slot machine voucher (e.g., FIG. 1, the reference character 11 represents an electronic ticket that may be used for admission to any place, service, or event that current tickets allow admission. Electronic ticket 11 may have been produced by a printer coupled to a computer or by a printer of an electronic postage meter or automatic teller machine (ATM) printer as described in Column 2, line 66 – Column 3, line 4).

Sansone & Gauthier are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of printing to static and variable text/graphic fields.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a printer which comprises a ticket printer and to print to a ticket.

The suggestion/motivation for doing so would be because tickets have variable text and data fields for the e.g., event and seat numbers, and it would be advantageous for the user to print a ticket on a printer. The user can obtain a ticket without having to go to a different location such as an airport or a concert venue or wait for the ticket to be delivered.

Therefore, it would have been obvious to combine Sansone's method for printing electronic tickets with Gauthier's method of merging static and variable data to obtain the invention as specified in Claims 16 and 17, and similar printer Claims 35-36.

7. Claims 8-9, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier as applied to claims 1 and 20 above, and further in view of Leone, III et al. (US 2003/0002081).

Regarding Method Claims 8-9 and similar Printer Claims 27-28:

Gauthier discloses the method and apparatus in accordance with claims 1 and 20.

Gauthier does not disclose expressly wherein:

the template attributes are provided from a removable memory device insertable into the printer; and

the removable memory device comprises one of a compact flash card, a smart card, a smart media card, a USB flash drive, a memory stick, or a plug in serial EEPROM.

Leone discloses wherein:

the template attributes are provided from a removable memory device insertable into the printer (e.g., FIG. 1 shows a one possible printing system apparatus 10 adapted to accept data transferred from a portable memory device 14 and to produce a personalized print item 26 incorporating this data as described in [0040]); and

the removable memory device comprises one of a compact flash card, a smart card, a smart media card, a USB flash drive, a memory stick, or a plug in serial EEPROM (e.g., a device having a magnetic strip, such as an ID card, credit card, Smart Card or other item as described in [0034]).

Leone & Gauthier are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of printing to static and variable text/graphic fields.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a removable memory device insertable into the printer.

The suggestion/motivation for doing so would have been for the user to provide personal data contained in a portable memory device as an alternative to wireless transmission. Card-based devices can be easily scanned to read stored data and to provide this data to a printing apparatus, such as for example by swiping cards through a peripheral scanner as disclosed by Leone in [0015].

Therefore, it would have been obvious to combine Leone's portable memory device with Gauthier's method of merging static and variable data to obtain the invention as specified in Method Claims 8-9 and similar Printer Claims 27-28.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dziesietnik et al. (US 6,134,018) discloses a method and apparatus for printing variable data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-



1679. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/  
Examiner, Art Unit 2625  
4/07/2008

/Mark K Zimmerman/  
Supervisory Patent Examiner, Art Unit 2625